

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
Jonathan AGRAMONTE

DEFENDANTS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Richard M. Garbarini
GARBARINI FITZGERALD P.C., 420 Lexington Avenue, Suite 2743
New York, NY 10170

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

FLSA

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Yes No Judge Previously Assigned _____

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 881	[] 1423 WITHDRAWAL	REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 200 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	28 USC 157		[] 1410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	[] 690 OTHER		[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY			[] 450 COMMERCE
[] 152 RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	PERSONAL PROPERTY			[] 460 DEPORTATION
	[] 355 MOTOR VEHICLE	[] 370 OTHER FRAUD			[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
		[] 371 TRUTH IN LENDING			[] 480 CONSUMER CREDIT
					[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 820 COPYRIGHTS	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR STANDARDS ACT	[] 830 PATENT	
[] 160 STOCKHOLDERS SUITS		PRODUCT LIABILITY	[] 720 LABOR/MGMT RELATIONS	[] 840 TRADEMARK	
[] 190 OTHER CONTRACT		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT		[] 860 OTHER STATUTORY ACTIONS
[] 195 CONTRACT PRODUCT LIABILITY		[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)		[] 891 AGRICULTURAL ACTS
[] 196 FRANCHISE	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO VACATE SENTENCE			
		28 USC 2255			
	CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
		[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT
		[] 540 MANDAMUS & OTHER		26 USC 7609	[] 896 ARBITRATION
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		
	[] 442 EMPLOYMENT				
	[] 443 HOUSING/				
[] 220 FORECLOSURE	ACCOMMODATIONS	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION		
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 240 TORTS TO LAND		[] 560 CIVIL DETAINEE			
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	CONDITIONS OF CONFINEMENT			
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ TBD OTHER

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
		<input type="checkbox"/> a. all parties represented				
		<input type="checkbox"/> b. At least one party is pro se.				

(PLACE AN x IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION	<input type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Jonathan AGRAMONTE, 35 Clinton Street, Plattsburg, NY, 12901

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Richard SHRAGER, 12 East 37th Street, New York, NY 10016
RICH FOODS 37, LLC, 12 East 37th Street New York, NY 10016

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 4/30/2014 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

 YES (DATE ADMITTED Mo. 6 Yr. 2006)
Attorney Bar Code # RG5496

Magistrate Judge is to be designated by the Clerk of the Court



Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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